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No 2950 Cat. page 76.

THOUGHTS

K

ON

DUELLING.

By J. P. —

— *tantæne animis cælestibus iræ?* VIRG.

— *tollite barbarum*

Morem. —

HOR.

CAMBRIDGE,

Printed by J. ARCHDEACON Printer to the UNIVERSITY;

For J. WOODYER in Cambridge.

and sold by J. BEECROFT in Paternoster-Row,

and T. CADELL in the Strand, London.

M. DCC. LXXIII.

THOUGHTS

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DUELING



Vol. 1
Hor.

CAMBRIDGE

Printed by J. Johnson, Stationer to the University
For J. Woodcock in Cambridge
and sold by J. Woodcock in London.
See the Catalogue in the British Museum.

M. 100.1.1

THOUGHTS
ON
DUELLING.

THE Practice of duelling so common in this Kingdom, has long been a subject of much concern to the serious and benevolent; an occasion of much grief, distress and anguish of mind to particular persons and families.

The weight of its pretensions by which it would support itself, have been often tried and found light in the balance: men of learning and humanity, Statesmen, Civilians and Divines have united to expose the weakness of its pleas; and have incontestably proved it to be forbidden in all cases, by the law of Reason, — of Society, — of Christianity.

B

What

What charms therefore can there be in this unsocial indulgence of Men's Passions to prevail over all those ties by which reasonable Beings should be bound? With what delusions does this Idol *Honor*, this *Moloch*, blind its Votaries, that every thing dear and valuable is sacrificed at its shrine?

It is not my design at present to trace the progress of this unhappy Practice, from the first spark which enkindles the Passion, to its tragical Catastrophe; for it would open a scene in some cases too distressful for the human heart to bear: — nor am I so vain as to think that what falls from my Pen will be of force sufficient to counteract those principles of Honor and delicate sensibility which in cases of *great provocation* call forth some finer Natures to self-defence. Happy should I be, if, by placing the subject in something of a new light, I could prevail, on any pressing occasion, with Gentlemen of Rank and Fortune, to consider well the nature of those offences

fences which prompt them to rush upon so bold an adventure, as the defiance of all Laws, human and divine. For certain it is, that offences of the most trivial kind, utterly undeserving of the name of *injuries of Honor*, do frequently excite such a flame in the breasts of Gentlemen, that nothing but their own blood, or the blood of their Friend or Companion, is thought worthy to extinguish it; — how barbarous! how unnatural!

In all my converse with the defenders of private Revenge, for personal Affronts, the point of Religion has ever been given up; they will not dispute that with you: no, “*they jump the Life to come.*” Another concession they have been obliged to make, “that in all cases where the Laws of the civil Community have appointed a redress for injuries, and the Tribunals of Justice are open, there self-redress is utterly unwarrantable.” But the grand argument which is urged in favor of duelling is grounded *on the Rights of Nature and the*

Feelings of the human mind; and it proceeds thus; “Society was formed for the good and happiness of Individuals: it was intended to controul the Rights of Nature, by the appointment of impartial and disinterested Laws, to be executed by authoris’d judges, for the preventing of all wrongs, or redressing them: wherever therefore it fails to answer these great ends, from a deficiency of Power or Will in its Governors, or from any other cause, the Rights of Nature return in full force: — individuals may take the matter, in their own case, into their own cognizance, and redress themselves; for,

“*The law of nature is the law of God.*”

Affronts of Honor are actually such cases, which it is not in the nature of human Laws to redress or take cognizance of; yet are they grievous and intolerable to noble and generous minds: and, if suffered to pass uncontrouled, would soon remove all order, decency, and good manners from human Society: the only way they can
be

be controuled is by the personal resentment of the Party affronted, which therefore should always stand ready to correct such insolent offenders, and “*champion them to the Utterance* :” for a Gentleman’s Honor is dearer to him than his Fortune or his Life.” This is the high Stile in which the Practice of duelling is usually stated and defended.

But before we proceed, it may be proper to consider what is the true notion of *Honor*, taken in its genuine Sense.

Honor is no single quality or Virtue, but a compound of many : it is Fortitude ; — it is Truth ; — it is Fidelity ; — it is Justice ; — it is Generosity ; — it is Piety : in short it is every thing which is *honestum et decorum*. But how strangely is this bright excellence of man debased in common acceptation, being seldom applied to any other quality but that of Courage ! for it is certain that a man may seduce innocence ; — violate the marriage bed ; — over-reach in play the unskilful and
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unwary ; — embezzle public money ; — blaspheme his God ; — and deny his Redeemer : “ and yet, if he has natural courage ; — is “ *sudden and quick in quarrel* ; ” — will bear no Affronts patiently ; — has fought his Duel, and killed his Man ; he will be dignified with the name of a *Man of Honor* : nay so preposterously is this title sometimes assumed, that the veriest miscreant, who has hid his face, in the day of Battle, when true Honor called him forth to danger in defence of his King and Country, will commence a Bully and a Bravo, when he is secure of his Man, or can depend upon the length of his sword, or the skill of his arm for his defence. — He will then, upon the least provocation, demand a *Gentleman's satisfaction*, and tell you his *Honor* will brook no less. — These are the pests of Society, and deserving of every infamy which can be inflicted by human Laws.

But let us hasten from such wretches, to those finer natures, Men of true Honor ; whose Courage is in the Mind
more

more than the Body, (for we have known a *Sackville* and a *Bruce*;) let us consider the force of their plea;

"Blame where we must, be candid where we can."

It cannot be allowed them, that, wherever the laws of Society have made no provision for the redress of injuries, the Law of Nature is immediately to take place, and every individual may turn his arms upon an aggressor, and redress himself: had this been the case, it would have been impossible that any civil Community should ever have been established: it would have been dissolved as soon almost as instituted; for the Laws of Society are enacted gradatim, as the Evils of Society arise: for which purpose a legislative Power is appointed in every State; which is the sole Power to apply to for redress, where the Laws are silent: and if a man does suffer in any case, for want of an established Law to redress him, such evil is unavoidable: the State must not be thrown into confusion, nor the Laws already established infringed, that his
 wrongs

wrongs may be redressed in that instance: he must be content with the enjoyment of the many other valuable blessings and privileges which Society affords him: and if his Honor and good Name (for those are the injuries we are now speaking of) are slandered and unjustly reproached, his former Reputation, and present Innocence, must be his support and comfort, till time and circumstances, and a modest justification of himself shall clear his Character to the World.

But the great point to be considered in this case is, that the Laws of this Country have actually made provision for the redress of all slanderous reports and reproaches, from which any *real* detriment arises, though they make no account at all of any *imaginary* notion of *Honor*: nor are they silent with regard to duelling; which, if a deliberate Act, and one of the parties is slain, is as express Murder by Law, as the killing of a man by Poison, or Assassination: and if done upon a sudden Affront, without

out the intervention of time for the Passions to cool, there is the same mark of guilt stamp'd upon it by the Law, as upon any other killing upon a sudden quarrel: — in short so tender is the Law of the Life of every individual, that it abhors all private revenge; nor will it admit of killing another even in self-defence, but under the strictest proofs of the necessity of the case. More need not be said to shew that duelling is unjustifiable by Law.

It may be proper now to consider what those fine Feelings may be, which are said to render affronts and reproaches so insupportable to noble minds.

Our Passions were placed in us by our gracious and all-wise Creator for our use and benefit: — the degree in which they are to be exerted is ever to be controuled by the superior power of Reason; for in their excess, they are always pernicious: — thus the Passion of Love, when it exceeds its due bounds, becomes promiscuous lust: — the Pas-

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sion

sion of Fear, Cowardice : — the Passion
 of Anger, brutal Ferocity : — the Passion
 of Shame, Meanness : — and I am satisfi-
 ed that in the case before us, an inordi-
 nate degree of self-esteem ; — an over-
 weening Conceit of a man's own excel-
 lencies and endowments, are the chief
 incentives (in otherwise generous minds)
 to that quick resentment which tran-
 sports them to revenge by the sword what
 are commonly called, *Affronts of Honor*.
 For Reason speaks another language ; it
 directs the Man of Honor to the avoid-
 ing of such actions which are in them-
 selves base and unworthy, as the only
 things that can dishonor him : but
 never looks upon affronting Words and
 reproachful Speeches in that light ;
 which can never prevail long, and mark
 with Infamy those that deserve them
 not : — a Man's general behaviour and
 character in the world, will much soon-
 er clear his Innocence, and wipe off
 every Reproach, than private Revenge
 can ever do : — this indeed has not the
 least tendency to that purpose : — it
 shews

shews that the parties will fight, and that is all : but whether the Affront was deserved, or the Reproach just or not (whatever the event of the Conflict may be ; whether *Philemon* kills *Hydaspes* ; or *Hydaspes*, *Philemon* ;) is still left undecided, and to be determined by the opinion of the World ; either from the Fact which gave the provocation, or the respective Characters of the *honorable* disputants.

The Combatants of ancient Chivalry were not half so absurd as our modern Duellists ; for their Encounters were looked upon as Trials of Truth, and immediate appeals to Heaven : “ *God defend the Right* ” was their Parole ; and the unerring hand of a tutelar Saint at least, was believed to direct the Lance’s point to the Traytor’s heart. — But our Men of Honor believe no such super-intendency, and yet with more than gothick barbarism, have set up an Idol in its stead, and perform their Rites to it in blood.

To despise Injuries has ever been

esteemed a mark of a great and noble Mind, by the wisest of Heathens : — Christians do more ; — they forgive them. — And I remember that in a serious Conversation upon this Subject with an Officer of high Rank, nice Honor, and approved Courage, he agreed with me so far as to allow, that nine in ten of the Duels which were fought could not be defended, even upon the fashionable Principles of Honor ; but proceeded either from Illiberality, and unjustifiable Passion on one side, or a Weakness of Mind on the other, not distinguishing what kind of Affronts deserved Contempt ; what, Resentment.

But it is still urged by the Defenders of this fashionable Homicide, that were the practice of duelling absolutely controuled, either by the displeasure of the Prince, or severity of Law, it would tend to diminish national courage.

I cannot pay so ill a compliment to british Bravery, as to suspect that this would be the case : — for why should

a man's being restrained from an Act in cases unlawful, diminish his zeal in performing the same when it is lawful and his Duty to do it? — True: — but it keeps up a Hardiness and contempt of Danger and Death in the minds of men. — The same argument might be made use of against the suppression of * highwaymen, street-robbers, and gangs of Banditti; who generally become bold and daring by such Practices; and if pressed into the Soldiery (which is often the case) perform good service in the day of Battle: — but are such Evils to be tolerated in Society on that account?

True Courage is partly constitutional; especially in the lower ranks of mankind: — this is the Courage of the British common Soldier; who seldom wants any other incitement than an Officer of Bravery to lead him on to the most dangerous Attacks: — it rises

* I hope I may be excused for introducing such company into the argument, it being only to shew the weakness of it.

rises to a much higher pitch, from a sense of Duty, and a laudable Ambition to excell in defence of one's Country : — this is the Courage of the british Officer ; and it has performed actions, which the present Age stands amazed at, and Posterity will scarce give credit to : — but I am at a loss to conceive how fighting five hundred Duels will ever make a Man a Hero : — it may make him fierce and revengefull ; but it will never improve that calm and steady Fortitude in which true Heroism consists, and which can only be grounded on a sense of Duty, and a thirst of Glory in a *good* cause.

To evince the truth of this observation let us look out into the world, and see what in fact has been the case in this respect, with other Nations renowned for Bravery. The Grecian States I presume will be allowed that character ; who so long maintained their Independency, and defended their Country against the most potent Monarchs of the Earth ; but there is not a
single

single instance upon record of quarrels between private Citizens in Athens, or any other City of Greece, being determined by personal conflict with sword or spear: they had not an Idea of offensive Fortitude but what was to be exerted against the Enemies of their Country.

The Romans too, those Conquerors of the World, in all the best and most renowned Ages of the Republick never entertained so absurd a notion, that any private provocation would justify a Citizen of Rome in maintaining mortal Encounter with a fellow Citizen, agreeable to the Idea of modern duelling: — those kinds of engagements were appropriated to the punishment of slaves, and condemned malefactors: — so little did they esteem the practice *honorable*. Indeed in the decline of the Republick, just before they lost their Liberty, and became Slaves themselves; — when Luxury and Ambition had divided the state into violent and dangerous Factions, it
was

was not unusual for the Partizans to meet and engage in bloody conflict, in which many on each side were sometimes slain : but the Principals in those Tragedies were generally condemned and banished : nor could the great Orator himself, with all his Art and power of Eloquence defend his Friend Titus Annius Milo from falling under the condemnation of the * Cornelian Law, and being punished as a Cut-throat ; though his adversary who fell by his sword, was the most infamous and detested man in Rome.

We know too that Lewis the 14th of France, after he had by his royal Authority suppressed duelling throughout his Empire, alarmed all Europe with his victorious troops, and pressed hard for universal Monarchy.

But whatever force the foregoing Arguments may bear against this detestable Practice ; there is still another Plea in reserve, which is deemed unanswerable : which is this : — that
duel-

* Lex de Sicariis.

duelling has been so long a prevailing Fashion in this Kingdom; supported by the practice, and even applause of Persons of high Rank and Fortune in the State; and in some cases seemingly encouraged by Connivance of Law, that it cannot now be given up consistently with the established Principles of Honor: for that should a Gentleman refuse to give or accept a Challenge, upon what is called a just Provocation, he must expect from thenceforth to be looked upon as utterly unworthy of the Society of men of Honor, and to be branded with Infamy for ever."

— Where the Fashion is manifestly so illegal and sinful the Plea is not to be allowed: — but if it is really become so prevalent, and Gentlemen are determined to be such Dupes to its influence, as to give up their Senses, Reason, and Religion rather than part with this *Phantom* of Honor: — then is it high time for a Power that can controul it to step forth and "*throw its warder down*;" that the bravest People upon

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Earth;

Earth ; a People who have a Spirit of Humanity and Benevolence superior to any Nation under Heaven ; may no longer, through the folly of Fashion, be guilty of a Practice which a civiliz'd Heathen would blush at ; and which the Laws of this Kingdom, and those of the Kingdom of Heaven, with so much Abhorrence condemn,



